IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 12759 of 2007(R)

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PETITIONER:

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SHAINI.K.R., PEON(UNDER SUSPENSION),
IVERKALA SERVICE CO-OPERATIVE BANK LTD. NO.2006,
IVERKALA EAST P.O., PUTHOOR, KOLLAM.

BY ADV. SMT.I.SHEELA DEVI

RESPONDENTS:

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1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES(GENERAL), KOLLAM.

3. IVERKALA SERVICE CO-OPERATIVE
BANK LTD.NO.2006, REPRESENTED BY ITS SECRETARY,
IVERKALA EAST, PUTHOOR, KOLLAM.

4. THE MANAGING COMMITTEE REPRESENTED
BY ITS PRESIDENT, IVERKAL SERVICE CO-OPERATIVE
BANK LTD.NO.2006, IVERKALA EAST, PUTHOOR, KOLLAM.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 12759/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE APPLICATION INVITING FOR PEON PUBLISHED IN THE MALAYALA MANORAMA DATED 27.3.2006.

EXT. P2 : TRUE COPY OF THE APPOINTMENT ORDER DATED 8.5.2006.

EXT. P3 : TRUE COPY OF THE SUSPENSION ORDER DATED 17.10.2006.

EXT. P4 : TRUE COPY OF THE RELEVANT EXTRACT OF THE BYELAW.

EXT. P5 : TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

EXT. P6 : TRUE COPY OF THE SAID CHARGE MEMO DATED 7.11.2006 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT. P7 : TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER DATED 21.11.2006.

EXT. P8 : TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER DATED 21.11.2006.

EXT. P9 : TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DT. 5.12.2006.

EXT. P9(a) : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 5.12.2006.

EXT. P10 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT DATED 2.3.2007.

EXT. P11 : TRUE COPY OF THE AFFIDAVIT SUBMITTED BY THE PETITIONER DATED 14.3.2007.

EXT. P12 : TRUE COPY OF THE COVERING LETTER OF THE 4TH RESPONDENT.

EXT. P12(a) : TRUE COPY OF THE COVERING LETTER OF THE 2ND RESPONDENT.

EXT. P13 : TRUE COPY OF THE CHARGE SHEET ISSUED BY THE S.I. OF POLICE AGAINST THE 3RD RESPONDENT.

RESPONDENTS' EXTS:

EXT. R4(a) : TRUE COPY OF THE RESOLUTION DATED 11.9.2006.

**K.M.JOSEPH, J.**

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WP.(C) No.12759 of 2007

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Dated this the 26th day of September, 2007

**JUDGMENT**

Petitioner has approached this court on the following brief allegations: Petitioner is a Peon. She joined duty in 2006 pursuant to Ext.P2 appointment order. She was suspended vide Ext.P3 by the Secretary. It is stated that the Secretary has no authority to suspend her from service and only the fourth respondent has power. Ext.P4 is the extract of the relevant bye-law. Ext.P5 is the reply given by the petitioner to the fourth respondent. The third respondent is alleged to have behaved indecently to the petitioner. Petitioner filed proper complaint before the Sub Inspector. Thereupon to wreck vengeance against the petitioner the third respondent levelled certain baseless allegations against the petitioner. Ext.P6 is the charge memo, to which the petitioner submitted Ext.P7 reply. On 30.11.2006 the petitioner received a communication that the Enquiry Officer has been appointed. Petitioner submitted Ext.P9 representation to the second respondent as a petition under Rule 176 of the Kerala Co-operative Societies Act.

Ext.P9(a) is another petition submitted to the second respondent. By Ext.P10 the second respondent asked the petitioner to be present. Petitioner submitted Ext.P11 affidavit with all relevant documents. Exts.P12 and P12(a) are the other communications addressed by the petitioner. Ext.P13 is the charge sheet. Petitioner has referred to the problem involving the third respondent. Petitioner is also aggrieved by the inaction in suspending the third respondent. Petitioner has come to this court challenging Ext.P3 and she also seeks a direction to proceed with the criminal proceedings and disciplinary action against the third respondent in accordance with the guidelines in Visakha v. State of Rajasthan. She also seeks a direction to the second respondent to take action against the third respondent by suspending him.

2. Counter affidavit is filed by respondents 3 and 4 inter alia stating as follows: The decision to place the petitioner under suspension was taken by the Managing Committee by Ext.R4(a) and the third respondent was authorised to initiate further proceedings. The reason for suspension, it is stated, was that the petitioner willfully abstained from the Bank and participated in the Integrated Co-operative

Development Programme class. It is further stated that the petitioner lodged the complaint alleging sexual harassment on 4.12.2006 only after she was informed about the appointment of the Inquiry Officer by Ext.P8 letter. It is also stated that the incidents relating to sexual harassment are alleged to have taken place on 22.8.2006 and 23.8.2006. It is stated that the incidents are only an after thought and a counter blast. Petitioner, who was a former Block Panchayat Vice President and is the wife of a known political leader enjoys clout with the police to register Ext.P13 FIR. It is also stated that the third respondent has already enlarged on bail and the falsity of the criminal case foisted would be revealed at the time of trial of the case. It is further stated that the petitioner has never complained to the Managing Committee about the alleged indecent behaviour of the third respondent. It is further stated that the evidence on the side of the management is complete and the disciplinary proceedings initiated against the petitioner have reached the final stage.

3. Petitioner has filed a reply affidavit purporting to deny the allegations.

4. I heard learned counsel for the petitioner Smt. Sheela Devi and also the learned counsel appearing for the Co-operative Society. Learned counsel for the petitioner at the time of hearing submitted that at present the oral arguments are over in the domestic inquiry and having regard to the fact that the petitioner is placed under suspension vide Ext.P3 passed in the year 2006, the inquiry should be expedited and petitioner should be reinstated. Learned counsel for the Society would submit that the entire proceedings can be expedited and final decision taken in the matter as early as possible.

Having regard to all the facts, the writ petition is disposed of directing that the proceedings pursuant to Ext.P6 charge memo shall be expedited by the fourth respondent, so that the entire disciplinary proceedings are finalised within one month from today.

(K.M. JOSEPH, JUDGE)

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